

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

STANZIALE & STANZIALE, P.C.

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Attorneys for Benjamin A. Stanziale, Jr., Trustee

In Re:

Alexa Gallagher,

Debtor,

Case No. 19-23500-SLM

Judge: Hon. Stacey L. Meisel

Chapter: 7

Recommended Local Form:



Followed



Modified

**CERTIFICATION OF PROFESSIONAL IN SUPPORT OF APPLICATION FOR
RETENTION OF PROFESSIONAL**

I, Peter A. Ouda, Esq., being of full age, certify as follows:

1. I am seeking authorization to be retained as Special Counsel to the Trustee.
2. My professional credentials include: I am an Attorney at Law, duly licensed and admitted to practice law in the State of New Jersey with offices located at 19 North Bridge Street, Somerville, New Jersey.
3. I am a member of or associated with the firm of: Peter A. Ouda, LLC.
4. The proposed arrangement for compensation, including hourly rates, if applicable, is as follows: In accordance with the attached fee agreement:

33-1/3% of the first \$750,000.00 recovered;
30% of the next \$750,000.00 recovered;
25% of the next \$750,000.00 recovered;
20% of the next \$750,000.00 recovered.

All amounts rendered in excess of the above will be by application.

5. To the best of my knowledge, after reasonable and diligent investigation, my connection with the Debtor(s), creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee, is as follows:

- ☐ None.
- ☒ Describe connection: Presently representing the Debtor in the prosecution of the Personal Injury action.

6. To the best of my knowledge, after reasonable and diligent investigation, the connection of my firm, its members, shareholders, partners, associates, officers and/or employees with the debtor(s), creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee, is as follows:

- ☒ None.
- ☐ Describe Connection: _____

7. To the best of my knowledge, my firm, its members, shareholders, partners, associates, officers and/or employees and I (check all that apply):

- ☒ do not hold an adverse interest to the estate.
- ☒ do not represent an adverse interest to the estate.
- ☒ are disinterested under 11 U.S.C. ' 101(14).
- ☒ do not represent or hold any interest adverse to the debtor or the estate with respect to the matter for which I will be retained under 11 U.S.C. ' 327(e).
- ☐ Other. Explain: _____

8. If the professional is an auctioneer,

- a. A surety bond in accordance with D.N.J. LBR 2014-1(B)(2) is attached.
☐ Yes ☐ No
- b. My qualifications and previous experience as an auctioneer include:

- c. Have you or any member of your firm ever been convicted of any criminal offense, other than motor vehicle violations? ☐ Yes ☐ No
If yes, explain: _____

9. If the professional is an auctioneer, appraiser or realtor, the location and description of the property is as follows:

[nonstandard language]

10. I understand and agree that:

a. I and my Firm are obligated to keep the Trustee fully informed as to all aspects of this matter, as the Bankruptcy Estate is my client until such time as the claim in question is abandoned by the Trustee, as shown by a written notice of such abandonment.

b. all proceeds of any settlement or recovery must be paid to the Trustee in the first instance, and none may be disbursed without approval in writing of the Trustee or an Order of the Bankruptcy Court.

c. if this application for appointment is approved, any fees or reimbursement of costs from the proceeds of any recoveries will be paid by the Trustee only after approval by the Bankruptcy Court.

d. no settlements may be entered into or become binding without the approval of the Bankruptcy Court and the Trustee, after notice to the Trustee, creditors and parties in interest.

e. all issues as to attorneys fees, debtor's exemptions, the distribution of any recovery between the Debtor and the Trustee or creditors, or any other issue which may come to be in dispute between the Debtor and the Trustee or creditors are subject to jurisdiction of the Bankruptcy Court. Neither I nor any other attorney or associate of the Firm will undertake to advise or represent the Debtor as to any such matters or issues. Instead, the Firm will undertake to obtain the best possible result on the claim, and will leave to others any advice or representation as to such issues.

f. the Firm is not authorized to grant any "physician's lien" upon, offer to protect payment of any claim for medical or other services out of, or otherwise pledge or encumber in any way any part of any recovery without separate Order of this Court, which may or may not be granted.

11. Authorization to hire experts. As part of this representation, I will need to hire experts to advise and assist in the conduct of this litigation, specifically medical experts, and possibly vocational or economic experts. In this regard, I agree that:

a. I or my firm will pay or advance any fees or cost retainers required by such experts with the understanding that such payment or advance will be included as a cost in any subsequent fee application I or my Firm will make to this Court; and

b. Before entering into any such retention or paying any initial fees or costs, I will consult with the Trustee, provide the Trustee any information requested including estimates of total costs and fees, provide a copy of any fee agreements, and obtain the Trustee's advance written approval to the proposed terms of retention.

c. I will see that copies of any bills submitted by such expert are submitted to the Trustee when I receive them and a reasonable time before I or my Firm pays them and are approved in advance, by the Trustee, in writing.

d. Such fees or expenses of such experts are subject to reimbursement only by the bankruptcy Estate, upon approval of this Court, to be paid as an administrative expense in this bankruptcy case pursuant to 11 U.S.C. §726, out of proceeds of any settlement or recovery in the litigation I and my Firm will be handling.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: September 12, 2019

/s/ Peter A. Ouda, Esq.
Signature of Professional

Peter A. Ouda, Esq.
Name of Professional

Rev. 7/1/04; jml